

In the Matter of LOUELLA BALLERINO, EMPLOYER AND PETITIONER *and*
INTERNATIONAL LADIES' GARMENT WORKERS UNION, UNION

Case No. 21-RM-36.—Decided May 18, 1948

DECISION

AND

ORDER

Upon a petition⁴ duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.

2. The labor organization named below is currently organizing the employees of the Employer.

3. No question concerning representation of employees of the Employer exists within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act, under the following circumstances:

The Employer is a corporation engaged in the manufacture of women's sportswear in Los Angeles, California.

On or about February 5, 1948, local organizers of International Ladies' Garment Workers Union interviewed an officer of the Employer in reference to the Union's program to organize the employees of all manufacturers of ladies' garments in Los Angeles. During the course of the conversation, in respect to which the testimony is conflicting, the Union's organizers and the Employer's representative discussed the Union's plan to bring all these employees under closed-shop contracts with the Union. The Union's representatives asked the Employer to sign a contract with the Union, and the Employer's representative refused.

On about February 17, 1948, the Union began picketing the building in which the Employer and 11 other garment manufacturers carry on their operations, for the purpose of persuading the employees working in the building to join the Union and to induce the manufacturers

to recognize the Union and sign closed-shop contracts covering their employees.

On February 26, 1948, the Employer filed the petition in this proceeding.

The Union did not at any time specifically claim to represent a majority of the Employer's employees. At the hearing the Union's representative expressly denied that the Union represented a majority of them. We find that the Union has withdrawn any claim to represent a majority of the employees which may have arisen from its prior conduct.¹

ORDER

On the basis of the above findings of fact and conclusions of law, the petition is hereby dismissed.

¹ *Matter of Bernard Klint, Grace Klint, David H Nyberg and Emma Nyberg, co-partners, d/b/a Ny-Lint Tool & Manufacturing Co.*, 77 N. L. R. B 642.

Although Mr. Reynolds would direct an election in this case for reasons stated in his dissenting opinion in the *Ny-Lint Tool & Manufacturing Co.* case, *supra*, he deems himself bound by the majority decision in that case.